REMARKS/ARGUMENTS

This Reply is in response to the Office Action mailed March 24, 2010. Currently, claims 1-7, 12-13, 15-17, 44-52, and 54-56 are pending in the Application. In this Reply, no claims have been amended, no claims are canceled, and no new claims are presented. Because no claims have been amended, this Reply does not raise new issues requiring further search and/or consideration. Reconsideration of the rejected claims is respectfully requested.

The arguments below were provided in section III of the previous reply (of March 15, 2010). Because they were not addressed in the Office Action (of March 24, 2010), which merely withdrew finality of the previous office action (of January 15, 2010), Applicants respectfully re-assert the arguments below.

I.   CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected claims 1-3, 12-13, 15-17, 44-46, and 51-52 under 35 U.S.C. § 103(a) as being unpatentable over Koppelman et al. (US 6,662,164) (hereinafter "Koppelman") in view of Pressmar (US 2003/0004960) (hereinafter "Pressmar"). Claims 4-7, 47-50, and 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koppelman in view of Pressmar in further view of Finebaum (US 2002/0156719) (hereinafter "Finebaum").

For a proper rejection under 35 U.S.C. §103(a), the USPTO "bears the initial burden of factually supporting any *prima facie* conclusion of obviousness" and must therefore present a "clear articulation of the reason(s) why the claimed invention would have been obvious" (MPEP §2142). "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" (MPEP §2141.III quoting *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007)). This rationale must include a showing that all of the claimed elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art (*KSR*, 82 USPQ2d at 1395). MPEP §2141.02.VI. further notes that "[a] prior art

reference must be considered in its entirety, i.e., as a <u>whole</u>, including portions that would lead

away from the claimed invention (*W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 220 USPQ 303

(Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). The rejections over Koppelman, Pressmar,

and Finebaum fail to satisfy this burden with regard to the currently pending claims.

        For example, claim 1 recites:

        1.   A transaction filtering system for allocating transactions
among a plurality of business objects, the system comprising:
        storage configured to store generated allocation rules and to store
transaction data associated with a plurality of transactions, each generated
allocation rule being associated with at least one of the plurality of business
objects, each generated allocation rule being **generated by combining a first
predefined rule of a node of a hierarchical data structure with a second
predefined rule inherited from a parent node**, the first predefined rule
characterizing a member of the at least one of the plurality of business objects;
        a query engine configured to query the transaction data using the
generated allocation rules; and
        an allocation manager configured to make one or more attempts to
allocate a member of the plurality of transactions among the plurality of business
objects,
        wherein each generated allocation rule determines if a business
object is entitled to an allocation from a particular transaction.

(emphasis added). Independent claim 44 recites similar limitations. Independent claims 12 and

51 recite some similar limitations.

        The Office Action cites Koppelman col. 10, lines 23-36, as allegedly disclosing

each allocation rule being generated by combining a first predefined rule of a node of a

hierarchical data structure with a second predefined rule inherited from a parent node as claimed.

Applicants respectfully disagree.

        The passage of Koppelman cited by the Office Action is reproduced here:

        Notice that a "value" is not part of a Rule Attribute; the
quantitative "Joshua", 20%, 'Red', etc. is missing. These
values are stored in the Allocation Rules themselves. The
Rule Attributes describe how the Rules "look" (i.e., a
generic representation of the rules), while the Rules themselves
contain the actual conditions. Thus, the Rule Template

> provides a generic representation of the types of rules
> that may be utilized by the user. By storing Rule Attributes
> in a Rule Template in this manner, a user can later create
> rules for allocating credit with other values. For example,
> using the Rule Attributes in Table 1 above, a user can later
> create a rule that specifies any type of quantity range,
> product color, sales manager, sales representative, or type of
> customer.

(Koppelman col. 10, lines 23-36). Nothing in the passage discloses "**combining** a first predefined rule of a node of a hierarchical data structure with a second predefined rule **inherited** from a parent node" (emphasis added) as recited in the claim. Instead, the passage describes rule attributes being stored in a rule template. No appending, joining, or otherwise combining of rules is disclosed, and no **inheritance** of rules from a parent node is disclosed. Moreover, Koppelman has a whole fails to disclose, teach, or suggest the limitations.

Although Koppelman discusses a sales representative hierarchy (Koppelman col. 6, lines 51-64) and sales manager's children in a SalesTeam hierarchy (Koppelman col. 10, lines 5-6), Koppelman fails to disclose **combining** a rule with a second rule inherited from a parent node as claimed. Instead, Koppelman appears to keep the rules for its sales representatives and sales managers separate. For example, in Koppelman Table 1, which shows a rule template in which each row represents a rule, the first row, a Sales Representative rule, is separate and not combined with the second row, a Sales Manager rule. Koppelman Table 1 is reproduced below:

TABLE 1

	Property	Operation	Alias
1	SalesTeam	=	Sales Representative
2	SalesTeam	=	Sales Manager
3	Product.Color	=	Color
4	Customer	=	Customer
5a	Quantity	>	Quantity Min
5c	Quantity	<	Quantity Max

Koppelman Table 1

Furthermore, Koppelman teaches away from combining rules from different levels of a sales hierarchy by stating that "[t]he Sales Manager's children's sales are rolled up to allocate credit to the Sales Manager" (Koppelman col. 10, lines 6-7). Apparently, sales representatives' *sales results* are determined by separate rules and then added together to allocate credit to a sales manager. This is in contrast to **combining rules** together or "combining a first predefined rule of a node of a hierarchical data structure with a second predefined rule inherited from a parent node" as claimed.

Although Koppelman mentions inheritance (Koppelman col. 6, lines 7-16) and multiple inheritance (Koppelman col. 8, lines 15-30), this is in reference to inheritance of object oriented class definitions or to maintain statistics and information of salespeople who belong to multiple sales teams. This is substantially different than "combining a first predefined rule of a node of a hierarchical data structure with a second predefined rule **inherited** from a parent node" (emphasis added) as claimed.

The other references, Pressmar and Finebaum, fail to cure the deficiencies of Koppelman. Because all the claimed limitations are not in the references, no combination of the references can render the claims unpatentable under § 103. For at least these reasons, Applicants respectfully request withdrawal of the rejections of the claims and all claims depending therefrom.

The Examiner acknowledges that Koppelman does not disclose "a query engine configured to query the transaction data using generated allocation rules" as recited. The Office Action cites Pressmar paragraphs [0099], [0105], and [0112] for this limitation. Applicants respectfully disagree.

Pressmar fails to disclose "a query engine configured to query the transaction data using generated allocation rules" as recited. Instead, Pressmar is directed to a database for the administration of heterogeneous data structures and a method for exchanging data between non-compatible systems (see Pressmar paragraph [0001]). Pressmar paragraph [0099] relates to the creation of elements (e.g., a "δ-element"), and Pressmar paragraphs [0105] and [0112] relate to using allocation rules to *transfer* one data structure in a database to another data structure.

Pressmar's allocation rules are for *transforming* database structures (see, e.g., Pressmar paragraph [0026]) and not performing a query. Pressmar simply does not disclose a query engine as claimed.

Finebaum fails to cure the deficiencies of Koppelman and Pressmar. Because the references do not teach or suggest all of the limitations, the Office Action fails to present a prima facie case of unpatentability of the claims. For at least the above reasons, Applicants respectfully request withdrawal of the rejections of the claims and all claims depending therefrom.

In addition to the limitations not being taught or suggested by the references, one skilled in the art at the time of the invention would not have combined Koppelman and Pressmar in the manner proposed by the Office Action. Pressmar's management and transformation of heterogeneous data structures is not in the same field as the sales commission determination program of Koppelman. The Office Action states that the motivation to combine the two references would have been "to dispatch members as required among the business units" (Office Action p. 4, but this statement is merely conclusory. No passage in either reference is cited and no official notice is taken for the alleged motivation. Even if one wanted to dispatch members as required among business units, that is no reason to combine Koppelman's sales commission program with Pressmar's database transformation program. The rejections are therefore based on impermissible hindsight reconstruction of the claimed invention from the present description of the invention by selective reference to less than relevant art.

For at least these reasons, Applicants respectfully request withdrawal of the rejections of the claims and all claims depending therefrom.
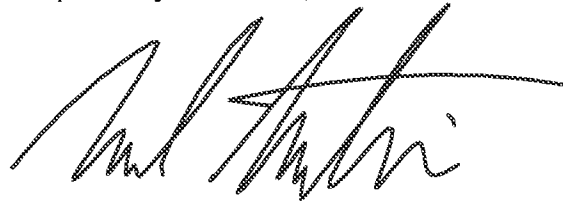
II.   AMENDMENTS TO THE CLAIMS

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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